

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Beattie J. Butler,) C.A. #2:15-4455-PMD-BM
)
Plaintiff,)
)
vs.) <u>ORDER</u>
)
D. Ashley Pennington, in his individual)
and official capacities and Charleston)
County,)
)
Defendants.)
)

This matter is before the court upon the magistrate judge's recommendation that plaintiff's motion to dismiss defendant Pennington's counterclaim be granted in part and denied in part . The record includes the report and recommendation of the United States Magistrate Judge made in accordance with Local Rule 73.02(B)(2) and 28 U.S.C. § 636(b)(1)(B).

This Court is charged with conducting a de novo review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). No objections have been filed to the magistrate judge's report.

A review of the record indicates that the magistrate judge's report accurately summarizes this case and the applicable law. For the reasons articulated by the magistrate judge, it is **ordered** that plaintiff's motion to dismiss defendant Pennington's counterclaim with regard to the claim for defamation based on plaintiff publically claiming defendant terminated him because he has cancer is **GRANTED**, and in all other respects plaintiff's motion to dismiss defendant Pennington's counterclaim for defamation and slander *per se* is **DENIED**.

ORDERED, that the magistrate judge's report and recommendation is adopted as the order of this Court.

AND IT IS SO ORDERED.



PATRICK MICHAEL DUFFY
United States District Judge

December 27, 2016
Charleston, South Carolina